

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 18-20495

v.

Hon. David M. Lawson

Ibraheem Izzy Musaibli,

Defendant.

/

**Motion and Brief in Support of Appointment of Counsel**

Ibraheem Izzy Musaibli, through his attorneys, the Federal Community Defender, moves this Court to appoint counsel to review case materials and advise Mr. Musaibli regarding his *pro se* Motion to Change Lawyer (R. 80).

Counsel has not sought the concurrence of the government because this involves the attorney-client relationship.

The Federal Community Defender was appointed by the court to represent Mr. Musaibli since his initial appearance on July 25, 2018. In the course of this representation, counsel reviewed and continues to discuss the voluminous discovery received from the government; explained the complex legal issues involved, and the substantial sentencing exposure the current charges Mr. Musaibli faces; and litigated motions on behalf of Mr. Musaibli.

Mr. Musaibli filed directly with the Court a Motion to Change Lawyer on December 16, 2019. In the motion, Mr. Musaibli requests “to discharge my lawyers, asap,” R. 80, PageID 257, and details his case concerns and conflict with counsel.

Counsel discussed the concerns raised and potential breakdown of the attorney-client relationship with Mr. Musaibli across several meetings since his filing. Mr. Musaibli’s Motion to Change Lawyer is pending with this Court and currently set for hearing on June 3, 2020.

Counsel believes that Mr. Musaibli will benefit from the additional advice regarding his case and breakdown of the attorney-client relationship he raised in his filing. In other cases, where the Federal Community Defender served as counsel and similar concerns were raised by defendants after a substantial period of representation, judges of this Court have appointed an attorney from the Criminal Justice Act (CJA) to advise the defendant regarding the case and possible conflicts. See, e.g., *United States v. James Mason, Jr.*, 15-cr-20062, R. 46 - Order Appointing Additional Counsel for Defendant (Judge Matthew F. Leitman); *United States v. Thomas Alan Stubbs*, 17-cr-20637 (Judge Laurie J. Michelson); *United States v. Ricky Terrell Williams*, 10-cr-20719, R. 10 – Order Appointing Second Counsel (Judge David M. Lawson).

Counsel spoke with Richard Helfrick, Interim Executive Director of the FCD, about a possible CJA panel attorney with the needed expertise that could advise Mr. Musaibli. Mr. Helfrick and counsel believe they identified a member of the CJA panel that could review the case and advise Mr. Musaibli.

Due to the serious nature of the current charges against Mr. Musaibli and high sentencing exposure, this Court should appoint a CJA panel attorney to review the case and potential attorney-client conflict identified in Mr. Musaibli's motion, in addition to advising him regarding the need to request new counsel.

Submitted,

s/Fabián Rentería Franco  
Fabián Rentería Franco [Rentería]  
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Dated: May 27, 2020

## **Certificate of Service**

I certify that this Motion and Brief in Support of Appointment of Counsel was filed with the Clerk of the court using CM/ECF, which should send a copy of this filing to all counsel of record.

s/Fabián Rentería Franco

Fabián Rentería Franco

Counsel for Ibraheem I. Musaibli